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CLIENT/MATTER NUMBER  
089254-0109

April 15, 2014

**Via ECF**

Honorable Loretta A. Preska  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

Re: Rosanne F. Ott v. Fred Alger Management, Inc.  
Case No. : 11-cv-4418 (LAP)

Dear Judge Preska:

We represent the Defendant Fred Alger Management, Inc. in the above-referenced matter. Pursuant to Your Honor's Scheduling Order (Dkt. No. 36), we submit this letter jointly with Eric Stern, counsel for the Plaintiff, Rosanne Ott, to provide the Court with "the status of the action, including settlement prospects."

To date, the parties have provided each other their Rule 26(a) disclosures and have conferred to schedule a mutually agreeable time for exchanging Rule 34 requests for documents. While this exchange had been temporarily delayed to accommodate Mr. Stern's trial preparation and trial schedule in another matter in February and March, the Rule 34 requests will now be served by May 2, 2014. (Mr. Stern was counsel in a jury trial before the Commercial Division of the New York State Supreme Court, *Nathan Spiegel v. Outside Ventures, et al.*, Index No. 107713-2009. Mr. Stern's trial was unexpectedly scheduled after the entry of the Scheduling Order in this matter and the parties to the *Nathan Spiegel* action were given only six weeks' notice of the trial commencement date. The trial itself was conducted in March.)

With respect to settlement prospects, the parties are not currently engaged in settlement discussions.

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The parties jointly thank Your Honor for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'T.C. Norbitz'.

Todd C. Norbitz  
*Counsel for Defendant*

cc: Eric Stern, Esq. (via ECF)  
*Counsel for Plaintiff*